

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JANET WASHINGTON,

Plaintiff, **DEFENDANTS' NOTICE OF  
MOTION TO DISMISS THE  
COMPLAINT**

-against-

NYC DEPARTMENT OF EDUCATION, JEFFREY  
SANTIAGO, as principal of CS 67, DONNA  
FERGUSON, as assistant principal of CS 67 and  
CARMEN NORIEGA, as assistant principal of CS 67,

16 CV 9588 (ER) (BCM)

Defendants.

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**PLEASE TAKE NOTICE** that upon the accompanying Declaration of Assistant Corporation Counsel Leora R. Grushka, dated May 25, 2017, and the exhibits annexed thereto, and the Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint, dated May 25, 2017, and upon all the papers and proceedings previously had herein, Defendants will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, before the Honorable Edgardo Ramos, United States District Judge, on a date and time to be declared by the Court for a judgment, pursuant to Rule 12(b), dismissing the Complaint against the Defendants on the grounds that the Complaint is barred by the doctrine of collateral estoppel, that the Complaint is barred by the doctrine of res judicata, and because the complaint otherwise fails to state a claim upon which relief can be granted.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the briefing schedule set forth by the Court at the Pre-Motion Conference on April 25, 2017, answering papers, if any, must be served on the undersigned no later than June 26, 2017. Reply papers, if any, shall be served by July 10, 2017.

Date: New York, New York  
May 25, 2017

**ZACHARY W. CARTER**  
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City of New York  
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By:                     /s/                      
Leora R. Grushka  
Assistant Corporation Counsel

TO: Lily A. Ockert (by ECF)  
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Defendants.

**NOTICE OF MOTION TO DISMISS THE COMPLAINT  
AND DECLARATION IN SUPPORT**

**ZACHARY W. CARTER**

*Corporation Counsel of the City of New York  
Attorney for Defendants  
100 Church Street, Room 2-107  
New York, New York 10007-2601*

*Of Counsel: Leora R. Grushka  
Telephone: (212) 356-2471  
Matter No.: 2017-003462*

*Due and timely service is hereby admitted.*

*Dated: New York, New York.....2017*

*Signed: .....*

*Attorney for.....*